

REMARKS

Claim 1 is independent and stands rejected under 35 U.S.C. § 103 as being unpatentable over Abramovich '687 ("Abramovich") in view of Shimada '652 ("Shimada"). This rejection is respectfully traversed for the following reasons.

Claim 1 recites in pertinent part, "upper lenses disposed above the color filter layer, the *upper lenses causing incident light to be converged so as to enter the color filter layer*; and ... wherein each intralayer lens includes a center lens ... and also includes at least one annular lens ... the at least one annular lens and the center lens *being in contact with each other*" (emphasis added). According to one aspect of the present invention, the claimed **combination** can make it possible to realize the dual results of effectively converging all rays of light onto the intralayer lens while minimizing the height of the intralayer lens. For example, such effects can be realized by an absence of a gap between the center lens and the annular lens. It is respectfully submitted that neither Abramovich nor Shimada, alone or in combination, disclose or suggest the claimed combination.

First, it is respectfully submitted that the proposed combination does not disclose upper lenses. The Examiner alleges that element 550 of Abramovich reads on the claimed "upper lenses." This interpretation is not understood as element 550 of Abramovich is merely a packaging substrate. As would be readily recognized by one of ordinary skill in the art, the packaging substrate 550 of Abramovich is simply used to package a device and is completely unrelated to a lens. Indeed, Abramovich expressly discloses at col. 7, lines 51-60:

Next, as shown in FIG. 5(K), a packaging substrate 550 (e.g., glass) is mounted onto cement 540, thereby attaching packaging substrate 550 to color transparent layer 257 ... the present invention facilitates the use of standard packaging (i.e., attaching packaging substrate 550 using cement)....

When interpreting the claims reasonably as required, the packaging substrate 550 is *per se* not

equivalent to a lens. It follows that the alleged lens 550 of Abramovich is not configured to *cause incident light to be converged* so as to enter the color filter layer, as claimed.

Second, even assuming *arguendo* proper, the proposed combination further does not disclose or suggest "the at least one annular lens and the center lens *being in contact with each other.*" The Examiner relies on Shimada as allegedly disclosing an annular/center lens combination. However, the Fresnel lens of Shimada has a gap between lenses whereat the annular lens and center lens are NOT in contact with each other. Accordingly, in the device resulting from the proposed combination of Abramovich and Shimada, rays of light pass through the gap of the lens and can therefore not be converged. Only Applicants have recognized and considered the issues related to minimizing lens height while effectively converging all rays of light onto the intralayer lens, and conceived of the novel and non-obvious combination which can make it possible to realize such dual effects. None of the other cited prior art obviates this deficiency of the proposed combination of Abramovich and Shimada, nor discloses or suggests the claimed combination of elements much less in the particular arrangement set forth in claim 1.

The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested," which sets forth the applicable standard for establishing obviousness under § 103:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

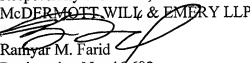
In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in claim 1 because the proposed combination fails the "all the claim limitations" standard required under § 103.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination. Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,
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